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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/755,085
Filing Date: January 08, 2001
Appellant(s): PALM, STEPHEN R.

Robert Sokohl Reg. No. 36,013
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 26, 2009 appealing from the Office action mailed August 22, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6192340	Abecassis	2-2001
6785244	Roy	8-2004
5996015	Day et al.	11-1999

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6446096	Holland et al.	9-2002
5479536	Comerford	12-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10, 14, 16-18, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (6192340) in view of Day (5996015), and in further view of Roy (6785244).

Regarding claim 1, Abecassis teaches a method for providing multimedia content over a network (Column 2, line 62 – Column 3, line 4), comprising:

(a) connecting a multimedia device (Column 5, lines 20 – 25) to a media server storing a plurality of selectable multimedia clips over a communications network (Column 11, lines 58 – 64);

(b) generating a menu for selecting selectable multimedia clips for playing by said multimedia device (Column 16, lines 47 – 67);

(c) generating a playlist that includes said selected at least one of said plurality of selectable multimedia clips (Column 15, lines 58 – 62);

(d) transferring said generated playlist from said selected media server to said at least one multimedia device (Column 16, lines 20 – 24).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and

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the multimedia device is authenticated prior to granting access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Roy teaches a system with a client and server where the client receives multimedia content and clips from the server (Column 2, lines 25 – 36) where the server authenticates the user's request for multimedia clips before the client can gain access (Column 5, lines 5 – 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Roy's teaching of authenticating the client at the server in order to ensure there is no unauthorized access to media clips.

Regarding claim 2, Abecassis teaches the method of claim 1 wherein said communications network is a local home communications network (Column 12, lines 41 – 43).

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Regarding claim 3, Abecassis teaches the method of claim 1 wherein said communications network is a public communications network (Column 11, lines 12 – 19).

Regarding claim 4, Abecassis teaches the method of claim 1 wherein said communications network is the Internet (Column 11, line 19).

Regarding claim 5, Abecassis teaches the method of claim 1 wherein said playlist file comprises audio data (Column 15, lines 58 – 67).

Regarding claim 6, Abecassis teaches the method of claim 1 further comprising the steps of (e) providing a list of said media servers available to said at least one multimedia device (Column 25, lines 59 – 67).

Regarding claim 17, Abecassis teaches the method of claim 1, wherein said multimedia device is connected to said media server via a TCP/IP network (Column 27, lines 10 – 25; where ISP and internet connections use TCP/IP), and the step of selecting at least one of said plurality of selectable multimedia clips is performed (Column 27, lines 41 – 42) on said media server using a browser interface provided to said multimedia device by said media server (Column 19, lines 1 – 8; Figure 5 and 6)

Regarding claim 18, Abecassis teaches the method of claim 17, wherein said media server generates said playlist in response to said selection of multimedia clips received from said multimedia device (Column 2, line 62 – Column 3, line 4; Column 3, lines 24 – 30).

Regarding claim 20, Abecassis teaches that said step of rendering said playlist is performed by the multimedia device, and comprising the further steps of:

parsing said playlist in said multimedia device; and
retrieving digital multimedia files specified in said playlist over said communications network in response to said parsing operation for playback at said multimedia device (Column 24, lines 12 – 20).

Regarding claim 7, Abecassis teaches a method for providing multimedia content over a network (Column 2, line 62 – Column 3, line 4), comprising the steps of:

(a) displaying a list of one or more media servers storing a plurality of selectable multimedia clips available to one or more multimedia devices (Column 25, lines 59 – 67);

(b) selecting a media server from said list of one or more media servers (Column 25, lines 36 – 43);

(c) connecting said one or more multimedia devices (Column 5, lines 20 – 25) to said selected media server via a browser interface (Column 11, lines 58 – 64; Column 6, line 62 – Column 7, line 8);

(d) selecting at least one of said plurality of selectable multimedia clips (Column 9, lines 51 – 58) for rendering by said one or more multimedia devices (Column 16, lines 47 – 67);

(e) receiving a playlist (Column 3, lines 26 – 30; Column 24, lines 12 – 20);

(g) parsing said playlist (Column 3, lines 26 – 30; Column 24, lines 12 – 20); and

(h) rendering said selected at least one of said plurality of selectable multimedia clips by retrieving files defined in said playlist (Column 14, lines 60 – 63).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated prior to granting access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Roy teaches a system with a client and server where the client receives multimedia content and clips from the server (Column 2, lines 25 – 36) where the server authenticates the user's request for multimedia clips before the client can gain access (Column 5, lines 5 – 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Roy's teaching of authenticating the client at the server in order to ensure there is no unauthorized access to media clips.

Regarding claim 8, Abecassis teaches a networked based multimedia delivery system (Column 2, line 62 – Column 3, line 4) comprising:

(a) at least one multimedia device having input means and display means through which a user may request multimedia clips and output means through which requested multimedia clips may be played (Column 5, lines 25 – 36);

(b) at least one media server in communications with said at least one multimedia device for generating a playlist file containing multimedia clips (Column 15, lines 58 – 62) and providing said playlist file to said at least one multimedia device in response to said user's request for multimedia clips (Column 16, lines 20 – 24); and

(c) a local home communications network for interfacing said at least one multimedia device with said at least one media server (Column 12, lines 41 – 43).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated prior to granting access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

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Roy teaches a system with a client and server where the client receives multimedia content and clips from the server (Column 2, lines 25 – 36) where the server authenticates the user's request for multimedia clips before the client can gain access (Column 5, lines 5 – 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Roy's teaching of authenticating the client at the server in order to ensure there is no unauthorized access to media clips.

Regarding claim 9, Abecassis teaches the network based multimedia delivery system of claim 8 further comprising:

(d) an access link for connecting said local home communication network to said at least one media server over a public communications network (Column 11, lines 1 – 19); and

(e) an access gateway for translating communications protocols between said local home communications network and said access link (Column 11, lines 12 – 15).

Regarding claim 10, Abecassis teaches the network based multimedia delivery system of claim 9, wherein said public network is the Internet (Column 11, line 19).

Regarding claim 14, Abecassis teaches a networked based multimedia delivery system comprising (Column 2, line 62 – Column 3, line 4):

(a) at least one media server for generating a playlist file from a plurality of centrally stored multimedia clips in response to a user request (Column 15, lines 58 – 63); and

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(b) at least one multimedia device in communications with said at least one media server for generating said user request, wherein said at least one multimedia device is further used to receive and parse said generated playlist file (Column 15, lines 58 – 63).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated prior to granting access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Roy teaches a system with a client and server where the client receives multimedia content and clips from the server (Column 2, lines 25 – 36) where the server authenticates the user's request for multimedia clips before the client can gain access (Column 5, lines 5 – 7).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Roy's teaching of authenticating the client at the server in order to ensure there is no unauthorized access to media clips.

Regarding claim 16, Abecassis teaches a multimedia device for use in a network based multimedia delivery system (Column 2, line 62 – Column 3, line 4) comprising:

(a) means for automatically configuring the multimedia device on a communications network (Column 16, lines 31 – 37);

(b) means for displaying at least one media server in communications with the multimedia device over said communications network, wherein said at least one media server has a plurality of stored multimedia clips;

(c) means for interactively searching said plurality of stored multimedia clips using all or a portion of a text string (Column 25, lines 59 – 67);

(d) means for passively searching said plurality of stored multimedia clips (Column 16, lines 47 – 67);

(e) means for requesting at least one of said plurality of stored multimedia clips from said at least one media server;

(f) means for receiving a remotely generated playlist data file from said at least one media server over said communications network, wherein said remotely generated playlist data file is comprised of data identifying said requested at least one of said plurality of stored multimedia clips (Column 24, lines 12 – 20);

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(g) means for parsing said remotely generated data file (Column 15, lines 1 – 14); and

(h) means for displaying said remotely generated data file with local data (Column 9, lines 16 – 19).

Abecassis does not explicitly indicate selecting specific clips accomplished by user interaction with a menu generated by the server and that the menu interaction and the multimedia device is authenticated prior to granting access to said plurality of multimedia clips.

Day teaches a system with a server and a multimedia device (Column 2, lines 40 – 44) which allows the user to interactively select items from a list of items presented to the device from the server (Column 5, lines 30 – 41; Column 6, lines 26 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Day's teachings of presenting a multimedia device a menu or list of items that can be selected by the user to be added to a playlist in Abecassis system in order to have the user be able to be more interactive with a multimedia on demand system and have the ability to customize the playlist.

Roy teaches a system with a client and server where the client receives multimedia content and clips from the server (Column 2, lines 25 – 36) where the server authenticates the user's request for multimedia clips before the client can gain access (Column 5, lines 5 – 7).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Roy's teaching of authenticating the client at the server in order to ensure there is no unauthorized access to media clips.

Regarding claim 23, Abecassis teaches the method of claim 1 wherein the multimedia device is connected to a plurality of media servers (Column 26, lines 1-7).

Abecassis does not explicitly indicate that the media servers appear to the multimedia device as one entity.

The examiner takes "official notice" that making a plurality of servers appear as a single server to a client in a network was well known in the art at the time the invention was made. See MPEP §2144.03.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Day and Roy, and further in view of Holland (6446096).

Regarding claim 12, Abecassis teaches the network based multimedia delivery system of claim 8, wherein said multimedia device is designed to

(a) be automatically configured on said local home communications network (Column 5, lines 49 – 56);

(b) resolve a host name in a URL using DNS call (Column 2, lines 45 - 50);

(c) issue HTTP request;

(d) receive HTTP responses containing MIME objects;

(e) HTML content (Column 25, line 59 – Column 26, line 7);

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- (f) parse said playlist;
- (g) interactively search a database of track, album, and playlist information;
- (h) mix said playlist with local content; and
- (i) receive channels of multimedia clips from said media server (Column 27, lines 41 – 52).

Holland discloses a system that provides communication and menu interfaces to multimedia devices, using the WML standard to provide interactivity of the menu to the multimedia device (Column 5, lines 25 – 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Holland's teaching of using WML to provide an interactive display to devices of limited capabilities such as the multimedia player in Abecassis.

Regarding claim 13, Abecassis teaches the network based multimedia delivery system of claim 8 wherein said multimedia device is designed to

- (a) be automatically configured on said local home communications network (Column 5, lines 49 – 56);
- (b) issue HTTP request;
- (c) receive HTTP responses containing MIME objects
- (d) display HTML content (Column 25, line 59 – Column 26, line 7);
- (e) parse said playlist; and
- (f) mix said playlist with local content (Column 27, lines 41 – 52).

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Holland discloses a system that provides communication and menu interfaces to multimedia devices, using the WML standard to provide interactivity of the menu to the multimedia device (Column 5, lines 25 – 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Holland's teaching of using WML to provide an interactive display to devices of limited capabilities such as the multimedia player in Abecassis.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Day and Roy, and further in view of Comerford (5479536).

Regarding claims 21 and 22, Abecassis teaches the method of claims 1 and 16.

Abecassis does not explicitly indicate a portion of a text string, wherein the first few characters of the text string is used to anticipated the entire text string.

Comerford teaches a system with a portable device, like the multimedia device of Abecassis which includes predictive text strings that anticipated entire text strings based on the first few characters entered (Column 2, line 62 – Column 3, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Comerford's teaching of text input in Abecassis to increase the usability of the portable media device in entering text selections.

(10) Response to Argument

Regarding claims 1, 7, 8, 14, and 16, the appellant argues that the combination of Abecassis, Day, and Roy do not teach or suggest authenticating a multimedia device. See Appeal Brief, filed Jan. 26, 2009, pg 10-15. More specifically, that Roy teaches authorization of a request, but not authentication of the user device. See id. at 11-12.

The examiner respectfully disagrees:

Claim language is determined based on their broadest reasonable interpretation in light of the specification. See MPEP §2111. The appellant has mapped the concept of authenticating a multimedia device to the instant specification at pg 7, lines 19-24 and pg 16, line 18 – pg 17, line 3. See Appeal Brief at 6. The specification at pg 16-17, discloses the type of security access given to the multimedia device. The multimedia device gets registered at the media server, and then the media server uses that registration or access list to determine if that multimedia device is permitted to access the content based on the IP address of that multimedia device. It is important to note that the appellant uses the idea of “authorizing” the multimedia device rather than “authenticating” the multimedia device. See Specification filed January 8, 2001, ¶80.

Roy teaches that the user device sends a request to the bridge including the IP address of the user device. See Col. 4, line 59 – 67. The identity of the user device (not a particular user) is determined. See Col. 4, lines 40 – 43. The multimedia bridge retrieves the profile information from a database which stores profile information for each device (including the requesting device). See Col. 5, line 1 – 4. Then the bridge performs validation and proper authorization of the request of the user device before

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performing the requested action. See Col. 5, lines 5 – 10. So Roy provides a teaching that the bridge should determine whether the identified user device is allowed to perform the requested action. Roy teaches a clear correlation between the user device and the requested action as the conditions for determining proper authorization of that action.

The claimed invention specifies that the multimedia device gets authenticated prior to granting access to said plurality of multimedia clips. Once again, the claim recites a request action (access to media clips) and a particular media device is taken into account to determine whether there is proper authorization to perform the action. The question of whether Roy teaches authorization or authentication is pure semantics, and not as important issue as the idea that Roy is teaching the same functionality as recited in the claim limitations (whether that action by that user device is permitted). This concept of semantics is demonstrated by the appellant in their own specification by stating their media server authorizes multimedia devices. See ¶80.

So in conclusion, Abecassis teaches receiving content requests from multimedia devices at a media server. See Abecassis, Col. 11, lines 58 – 64. Roy provides an additional teaching in the context of media connections and media clips that requests from a user device should be authorized before performed by performing the requested action. The combined teaching would improve Abecassis' system to perform authorization on requests such as a request to access content based on which device is requesting. The motivation for the combination is the added security of preventing improper access to the media content.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kevin Bates/

Primary Examiner, Art Unit 2456

Conferees:

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